

REMARKS

In the Office Action of May 26, 2006, Claims 11 and 12 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Additionally, Claims 1-3, 7-10, 13-16, 21, 22, 24, and 25 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,850,209 issued to Mankins et al. (hereafter “Mankins”). Furthermore, Claims 4, 5, and 23 were rejected under 35 U.S.C. §103(a) as being obvious over Mankins in view of U.S. Patent Pub. No. 2004/0046704 filed by Kim (hereafter “Kim”), Claims 11 and 12 were rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,343,006 issued to Moscovitch (hereinafter “Moscovitch”) in view of Mankins, Claims 17, 18, 20, and 26 were rejected under 35 U.S.C. §103(a) as being obvious over Mankins in view of U.S. Patent No. 4,679,341 issued to Goldman (hereinafter “Goldman”), and Claim 19 was rejected under 35 U.S.C. §103(a) as being obvious over Mankins in view of Goldman and U.S. Patent No. 5,458,307 issued to Gebka (hereinafter “Gebka”).

Claims 11 and 12 Comply with 35 U.S.C. §112

Claim 11 has herein been amended to clarify to the arrangement and meanings of the arms, mount, and support mechanism. As set forth in Claim 11, the advertising display comprises a mount and each arm supportably connects a display panel to the mount in a manner allowing the display panel to be moveable relative to the mount. The support mechanism is something, other than the advertising display, to which the mount is adapted and configured to operatively connect the polygonal display. The central pole shown in the drawing figures is the

preferred embodiment of the mount, and is not the support mechanism as is suggested in the Office Action (See paragraphs [0059] and [0060] of the specification). As such Claim 11, as amended herein, complies with the written description requirement of 35 U.S.C. §112.

Claim 12 appears to have been rejected under 35 U.S.C. §112 merely because of its dependency upon Claim 11. Thus, because Claim 11, as amended herein, complies with the written description requirement of 35 U.S.C. §112, it is respectfully believed that Claim 12 also complies with the written description requirement of 35 U.S.C. §112.

Claims 1-3, 7-10, 13-16, 21, 22, 24, and 25 are not Anticipated by Mankins

As amended, Claim 1 requires, among other things, a mount that is adapted and configured to operatively connect the polygonal display to a support mechanism in a manner such that the polygon display can be supported by and from the support mechanism solely via the mount. Similarly, Claim 21 requires a mount that is adapted and configured to operatively connect the polygonal display to a support mechanism and requires a step of supporting the polygon display by and from a support mechanism solely via the mount. The mount (1024 in Figure 42 of Mankins) referred in the Office action as being disclosed in Mankins is one of three mounts provided on the advertisement display of Mankins to secure the advertisement display to a support mechanism. Thus, Mankins fails to disclose any single mount that is configured and adapted to provide the sole support for attaching a polygon display to a support mechanism. As such, Mankins can not anticipate either of claims 1 or 21. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a

single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). It is respectfully believed that the patentability of the claimed subject matter must be determined in view of the invention “as a whole.” For these same reasons, it follows then that Claims 2, 3, 7-10, and 13-16, which are dependent upon Claim 1, and Claims 22, 24, and 25, which are dependent upon Claim 21, are also not anticipated by Mankins. New Claims 26-28 have been added which depend from Claim 1 and are patentable in the same manner as Claim 1. No new matter has been added. If an independent claim is patentable, then any claim depending therefrom is patentable. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

Claims 4, 5, and 23 are not Obvious over Mankins in view of Kim

As mentioned above with respect to Claims 1 and 21, Claims 1 and 21 require a mount that is adapted and configured to provide the sole support for attaching a polygon display to a support mechanism. Claims 4 and 5, being dependent upon Claim 1, and Claim 23, being dependent upon Claim 21, also require such limitations. As further mentioned above with respect to Claims 1 and 21, Mankins fails to disclose any single mount that configured and adapted to provide the sole support for attaching a polygon display to a support mechanism. Similarly, Kim fails to disclose any such mount. Thus, even in combination, Kim and Mankins fail to disclose each and every limitation of Claims 1 and 21 and therefore fail to render obvious dependent Claims 4, 5, and 23. It is respectfully believed to be axiomatic that a claim limitation that is not present in two cited references cannot come into being by their combination. To

establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974).

Claims 11 and 12 are not obvious over Moscovitch in View of Mankins

As amended, Claim 11 requires, among other things, at least one other of the display panels to comprise printed advertising information. Mankins and Moscovitch are each directed to electronic displays and neither discloses an advertising display having a display panel that comprises printed advertising information. As such even in combination, Mankins and Moscovitch fail to disclose each and every limitation of Claim 11 and therefore fails to render Claim 11 obvious. "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Likewise, because Claim 12 is dependent upon Claim 11, it follows then that the combination of Mankins and Moscovitch does not render obvious Claim 12. If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

Claims 17, 18, 20, And 26 are not Obvious over Mankins in view of Goldman

Claims 17, 18, and 20 each depend from Claim 1, which as discussed above requires a mount that is adapted and configured to provide the sole support for attaching a polygon display to a support mechanism. Thus Claims 17, 18, and 20 also require a mount that is adapted and

configured to provide the sole support for attaching a polygon display to a support mechanism. Similarly, Claim 26 depends from Claim 21 which, as discussed above, also requires a mount that is adapted and configured to provide the sole support for attaching a polygon display to a support mechanism. Thus, it follows that Claim 26 requires a mount that is adapted and configured to provide the sole support for attaching a polygon display to a support mechanism. As was further discussed above with respect to Claims 1 and 21, Mankins fails to disclose any single mount that is configured and adapted to provide the sole support for attaching a polygon display to a support mechanism. Goldman also fails to disclose any single mount that is configured and adapted to provide the sole support for attaching a polygon display to a support mechanism. Thus, even in combination, Mankins and Goldman do not teach or suggest each and every limitation of Claims 1 and 21, and therefore do not render obvious dependent Claims 17, 18, 20, and 26. "In determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification." In re Linter, 458 F.2d 1013, 1016, 173 U.S.P.Q. 560, 562 (C.C.P.A. 1972).

Claim 19 is not Obvious over Mankins in view of Goldman and Gebka

Claim 19 depends from Claim 18, which as discussed above requires a mount that is adapted and configured to provide the sole support for attaching a polygon display to a support mechanism. If an independent claim is nonobvious under 35 U.S.C. §103, then any claim

depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). Thus Claim 19 also requires a mount that is adapted and configured to provide the sole support for attaching a polygon display to a support mechanism. As was discussed above with respect to Claim 18, Mankins and Goldman fail to teach or suggest any single mount that is configured and adapted to provide the sole support for attaching a polygon display to a support mechanism. Similarly, Gebka also fails to disclose any single mount that is configured and adapted to provide the sole support for attaching a polygon display to a support mechanism. Thus, even in combination, Mankins, Goldman, and Gebka do not teach or suggest each and every limitation of Claim 18, and therefore do not render obvious dependent Claim 19. It is well established in U.S. Patent Law as well as the Manual for Patent Examining Procedure (M.P.E.P.) § 2143.03 that to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” In re Wilson, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). In this case, the limitation regarding a single mount that is configured and adapted to provide the sole support for attaching a polygon display to a support mechanism is not taught or suggested by the prior art.

CONCLUSION

Therefore, it is now believed that all of the pending Claims in the present application are in condition for allowance. Favorable action and allowance of the Claims is therefore respectfully requested. If any issue regarding allowability of any of the pending Claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's Amendment, or if the Examiner should have any questions regarding the present Amendment, it is respectfully requested that the Examiner please telephone the Applicant's undersigned attorney in this regard.

Respectfully submitted,

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